

BIRTH CONTROL IN GERMANY

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(This survey has been compiled from information given by Professor Hans Harmsen, of Hamburg University, and from the speeches made by Dr. Anne-Marie Durand-Wever and Frau Ilse Lederer at the meeting of the International Committee in August 1951).

The Legal Position

ALTHOUGH under the Nazi régime the practice of birth control had become increasingly difficult in Germany, there was no legal restriction to it until 1941. On January 21st, 1941, a Police Regulation was issued prohibiting the manufacture, advertisement, sale or distribution of articles and preparations intended to prevent pregnancy. By the same Regulation a doctor or other person applying or using such articles or preparations was liable to prosecution.

The 1941 Police Regulation was subsequently embodied in the German Penal Code, when Sections 218 and 219 were revised in March 1943. Previously, these two Sections of the Penal Code had referred only to abortion and abortifacients, but in the 1943 revision Section 219 was extended to apply to contraceptives.

After the capitulation of Germany, when the Penal Code was replaced by Control Council Law, appeals were made for the amendment of Section 219. But even where it was revised and restored to its original wording, as in the British Zone, the effect was not to facilitate reasonable birth-control practices for, in the view of the police, the 1941 Regulation was still enforceable. Only in Berlin, and in the Russian Zone, was it considered to be inapplicable. Elsewhere, the Police Regulation remained in force pending legal action for its repeal, and in six provinces in Western Germany it is still applicable.

So far, Hamburg has been the only province to abolish entirely the 1941 Regulation. In four other provinces, in Bremen, Niedersachsen, Schleswig-Holstein, and in Württemberg-Baden, it has been partially revoked.

Because of the confusion caused by the different interpretations of Section 219 of the law and of the uncertainty, in some provinces, as to the application of the old Police Regulation prohibiting contraceptives, the German Federal Government intends to regulate, by a law covering the whole of Western Germany, the manufacture and use of contraceptives.

In order to protect the public from dangerous and unreliable contraceptives, Hamburg passed a decree in July 1949 placing the manufacture of all such articles and preparations under the supervision of the Ministry of Health.

Other factors which have impeded the promotion of family planning in Germany since the end of the war have been the attitude of the Churches towards birth control; the ignorance amongst the public, and in the medical profession, of modern contraceptive techniques; and the widely held belief that Germany must build up her population against Eastern Europe.

In the difficult social and economic conditions of divided Germany many women have, in the absence of birth-control knowledge, resorted to abortion as a means of limiting the size of the family. This has not only endangered the life and health of the woman, but has had distressing consequences. Last year, in Southern Germany, information relating to cases of abortion, which doctors are obliged to report to the health authorities, was obtained by the police. Several hundreds of women, mostly in Garmisch-Partenkirchen and Weinheim-Baden, were rounded-up and taken to the police station for questioning. Subsequently, a number of doctors were arrested and charged with procuring criminal abortion. Although there was a considerable outcry in the Press,

and from the medical associations, at the breach of medical confidence, no interest was aroused in why these women had abortions in the first place, and nothing was done to ensure that in future adequate birth-control advice was available.

Although abortion, at first, was permitted in the Russian Zone, on medical, ethical, and on social grounds, there was also propaganda for birth control. An example of this was found in the Leipzig Frauenklinik where, in the waiting-room, a poster stated: "Interruption of pregnancy does not prevent further pregnancies; it injures women's health; therefore, use birth control." It is believed that as many as 20,000 copies of a birth-control pamphlet written by Dr. Anne - Marie Durand - Wever have been distributed in the Russian Zone. Unfortunately, because of the blockade, it has not appeared outside Eastern Germany, and no publisher in the Western sector has so far been willing to reprint it.

The social indication for abortion in the Russian Zone was intended to apply only for a limited period. By a new law issued in Eastern Germany on September 27th, 1950, for the "Protection of Mother and Child and the Rights of Women," permission for abortion is withdrawn except where the health of the mother is gravely endangered by pregnancy, or where one of the parents suffers from a serious hereditary disease. Under this new law, "State help is granted to improve the financial position of families with many children and to further an increase in the number of children." It is not yet known whether, as a result of this law, birth-control facilities will be restricted in the Russian Zone.

Attitudes of the Churches

Opposition to birth control from the Protestant Church in Germany has now largely disappeared. Some Church Councils do not take as liberal a view as others, and opinion amongst individual pastors varies.

The conclusion reached in 1950 by the Social Hygiene Committee of the Evangelical Council of the State Church of Hamburg was the first important standpoint to be taken on birth control by a religious body in

Germany since the war. It was recognized by this committee that circumstances might exist in which it was desirable to defer having children, or to limit the size of the family. In considering the means by which this should be done, the committee saw no moral difference between the use of contraceptives and the use of "the safe period," that is, restricting intercourse to days when conception is unlikely to occur. In conclusion, the committee stressed that birth control must not be used for selfish reasons, and that there must be consideration for the spouse, and for society as a whole.

It is believed that the Roman Catholic Church in Germany, as in other countries, is no longer opposed to the principle of family limitation, but where it differs from the Protestant Church is in the methods to be used. It is perhaps significant that the predominant faith of provinces wherein the 1941 Police Regulation prohibiting contraceptives still applies is Roman Catholic.

Family Planning Facilities

In provinces where there are no actual legal restrictions, or where they are rarely applied, the practical possibilities of birth control depend very much on the co-operation of the medical profession and on the willingness of hospitals and social welfare agencies to encourage husband and wife to discuss this problem and to seek expert advice.

The leading gynaecologist of a big hospital in the suburbs of Berlin advises every woman patient who has had a pregnancy or a miscarriage, or who needs a period of recuperation, to return for contraceptive instruction. Very few in fact do; they say their husbands object to contraception. Consideration is now being given to the printing of a simple explanatory leaflet about family planning which each woman can take home and discuss with her husband.

There is quite a strong body of opinion in Germany which feels that family planning should not be pursued as a separate aim, but should be an integral part of marriage guidance work. A resolution to this effect was passed at a meeting of the *Arbeitsgemeinschaft für Jugend- und Eheberatung* at

Detmold in May 1951. The *Arbeitsgemeinschaft* was formed to bring together all who are concerned with sex education, marriage, and the family, for the working out of a common basis of approach to the problems thereof. Lectures and training are arranged for those already working in the marriage guidance field, or who are about to take up this work. Public lectures on marriage and sex are also organized.

Many of the big towns of Germany now have marriage guidance clinics, at some of which birth-control information is available if asked for. Only in the Marriage Guidance Clinic at Kassel (Hesse) are regular birth-control sessions held under medical direction. These were started two years ago at the instigation of Frau Ilse Lederer, a prominent social worker. The British Family Planning Association invited Frau Lederer to England in 1949 to study clinic organization and methods. With the help of other enlightened people, Frau Lederer established a voluntary clinic in Kassel, known as the Family and Marriage Guidance Clinic, along the lines of clinics run by the Family Planning Association. At first there was criticism of this direct approach to the problem of family spacing, and valuable support and help were withheld. Gradually, however, public opinion locally is changing, and newspapers and women's journals are now willing to publish accounts of the work of the Kassel clinic.

In Berlin, where Dr. Anne-Marie Durand-Wever is working for family planning, few of the marriage guidance clinics are known to give actual birth-control advice. Apart from these, the Social Insurance Company of Berlin (*Versicherungsanstalt*), which covers about 90 per cent of the population, has established birth-control clinics in several districts. At present there are five in West Berlin, and there were four in the Eastern sector. Each clinic is attended by a woman doctor, and contraceptives are provided free of charge in most cases.

Helping in the promotion of family planning is the *Bund für Volksgesundheit und Geburtenregelung*. This society, which has been built up out of the remnants of the

pre-1933 *Reichsverband für Geburtenregelung und Sexualhygiene e.V.*, consists of two branches, the Landesleitung Süddeutschland, in charge of the President, Franz Gampe, and the Landesleitung Nordrhein-Westfalen, in charge of Willy Karger. There are about 15 local groups in the two branches, comprising a membership of 2,000. Monthly meetings are held, at which lectures are given by doctors, and there are regular discussion and consultation sessions. The society arranges for the periodical testing of chemical contraceptives, and refers patients to doctors who fit pessaries. It also publishes a monthly bulletin, *Die Neue Familie*.

Despite what is already being done in Germany, there is still a great deal of ignorance and prejudice about family planning, and many more doctors need to be trained in modern contraceptive techniques. Birth control is now an important part of the social hygiene and gynaecology lectures in the training of doctors at Hamburg University and special courses of lectures are being held for doctors already in practice.

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